

Appl. No. 10/615,970
Docket No. 9325
Reply dated March 23, 2007
Reply to Office Action mailed on December 29, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1 - 18 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102/§103 Over U.S. Patent Nos. 5,240,562, 5,334,286, 5,279,767, 5,624,532 or 5,981,044

Claims 1-18 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,240,562 to Phan et al. ("the '562 Patent"), U.S. Patent No. 5,334,286 to Van Phan et al. ("the '286 Patent"), U.S. Patent No. 5,279,767 to Phan et al. ("the '767 Patent"), U.S. Patent No. 5,624,532 to Trokhan et al. ("the '532 Patent") or U.S. Patent No. 5,981,044 to Phan et al. ("the '044 Patent"). The Examiner asserts that all of these references teach a tissue containing a polyhydroxy compound, same as the ones claimed and added at the same range as claimed in the claimed invention. Further, the Examiner asserts that the references teach the use of opacity increasing agents, such as particular fillers.

Applicants respectfully submit that the references, the '562 Patent, the '286 Patent, the '767 Patent, the '532 Patent and the '044 Patent, all fail to teach each and every element of Claims 1 and 15, the independent claims, because they each fail to teach a fibrous structure comprising a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent. Applicants appreciate that prior art fibrous structures contain fiber flexibilizing agents, such as polyhydroxy compounds, and that the prior art fibrous structures comprise fillers (some of which may be opacity increasing agents according to the Examiner). However, Applicants respectfully submit that the prior art fibrous structures teach placing fillers in the fiber slurry used to make the fibrous structures and applying a polyhydroxy compound on a surface of the fibrous structure. Due to the fillers being present within the interior of the prior art fibrous structures and the polyhydroxy compounds being present on a surface of the fibrous structure, Applicants submit that the prior art fibrous structures fail to teach a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing

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agent, let alone a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent wherein the net change in opacity of the fibrous structure resulting from the fiber flexibilizing agent system is greater than the net change in opacity of the fibrous structure resulting from individual components of the fiber flexibilizing agent system.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 15 are not anticipated by nor rendered obvious over any of the references, the '562 Patent, the '286 Patent, the '767 Patent, the '532 Patent and the '044 Patent, alone or in combination. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, respectively, are not anticipated by nor rendered obvious over any of the references, the '562 Patent, the '286 Patent, the '767 Patent, the '532 Patent and the '044 Patent, alone or in combination.

Rejection Under 35 USC §102/§103 Over Japan Patent Application No. 11332777

Claims 1-18 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over Japan Patent Application No. 11332777 to Yoshifumi et al. ("Yoshifumi"). The Examiner asserts that Yoshifumi teaches a wiping product in which a polyol compound, including a polyethylene oxide, is added to the web. Further, the Examiner asserts that Yoshifumi teaches the addition of fillers to the wiping product.

Applicants respectfully submit that Yoshifumi fails to teach each and every element of Claims 1 and 15, the independent claims, because it fails to teach a fibrous structure comprising a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent. Applicants appreciate that prior art fibrous structures contain fiber flexibilizing agents, such as polyhydroxy compounds, and that the prior art fibrous structures comprise fillers (some of which may be opacity increasing agents according to the Examiner). However, Applicants respectfully submit that the prior art fibrous structures teach placing fillers in the fiber slurry used to make the fibrous structures and applying a polyhydroxy compound on a surface of the fibrous structure. Due to the fillers being present within the interior of the prior art fibrous structures and the polyhydroxy compounds being present on a surface of the fibrous structure, Applicants submit that the prior art fibrous structures fail to teach a fiber flexibilizing

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agent system comprising a fiber flexibilizing agent and an opacity increasing agent, let alone a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent wherein the net change in opacity of the fibrous structure resulting from the fiber flexibilizing agent system is greater than the net change in opacity of the fibrous structure resulting from individual components of the fiber flexibilizing agent system.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 15 are not anticipated by nor rendered obvious over Yoshifumi. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, respectively, are not anticipated by nor rendered obvious over Yoshifumi.

Rejection Under 35 USC §102/§103 Over U.S. Patent Application Publication Nos.
2002/0192407, 2001/0055609, 2004/0052834 or 2003/0136531

Claims 1-18 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent Application Publication No. 2002/0192407 to Hendrix et al. ("Hendrix"), U.S. Patent Application Publication No. 2001/0055609 to Shantz et al. ("Shantz"), U.S. Patent Application Publication No. 2004/0052834 to West et al. ("West") or U.S. Patent Application Publication No. 2003/0136531 to Edwards et al. ("Edwards"). The Examiner asserts that all of these references teach a tissue in which polyethylene oxide, polyethylene glycol is added to the tissue. Further, the Examiner asserts that all of the references teach the use of the same type of polyethylene glycol as described within the present application. Further, the Examiner asserts that the references teach the use of fillers and/or pigments.

Applicants respectfully submit that the references, Hendrix, Shantz, West and Edwards, all fail to teach each and every element of Claims 1 and 15, the independent claims, because they each fail to teach a fibrous structure comprising a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent. Applicants appreciate that prior art fibrous structures contain lotion compositions that comprises fiber flexibilizing agents, such as polyhydroxy compounds, and that the prior art fibrous structures comprise fillers (some of which may be opacity increasing agents according to the Examiner). However, Applicants respectfully submit that the prior art

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fibrous structures teach placing fillers in the fiber slurry used to make the fibrous structures and applying a polyhydroxy compound on a surface of the fibrous structure via a lotion composition. Due to the fillers being present within the interior of the prior art fibrous structures and the polyhydroxy compounds being present on a surface of the fibrous structure within a lotion composition, Applicants submit that the prior art fibrous structures fail to teach a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent, let alone a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent wherein the net change in opacity of the fibrous structure resulting from the fiber flexibilizing agent system is greater than the net change in opacity of the fibrous structure resulting from individual components of the fiber flexibilizing agent system.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 15 are not anticipated by nor rendered obvious over any of the references, Hendrix, Shantz, West and Edwards, alone or in combination. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, respectively, are not anticipated by nor rendered obvious over any of the references, Hendrix, Shantz, West and Edwards, alone or in combination.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of Claims 1-18 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By C. Brant Cook
Signature
C. Brant Cook

Typed or Printed Name
Registration No. 39,151
(513) 634-1533

Date: March 23, 2007
Customer No. 27752
(Amendment-Response to Office Action.doc)
Revised 04/25/2006